

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	08-CR-1213 (JFK)
	:	
v.	:	<u>NOTICE OF</u>
	:	<u>PRETRIAL MOTIONS</u>
JAMAL YOUSEF,	:	
	:	(Filed Electronically)
Defendant.	:	
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PLEASE TAKE NOTICE, that upon the annexed Declaration of Melinda Sarafa, Esq., the Exhibits thereto, and the accompanying Memorandum of Law, the defendant, JAMAL YOUSEF, will move before the Honorable John F. Keenan, United States District Judge for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, New York, New York, as soon as counsel may be heard, for an order:

- (a) requesting additional discovery and exculpatory material the government is obligated to produce pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny;
- (b) pursuant to Rule 7(d) of the Federal Rules of Criminal Procedure, striking the irrelevant and prejudicial surplusage from the Third Superseding Indictment regarding historical or other acts by Fuerzas Armada Revolucionares de Colombia ("FARC"), general information about FARC, and the underlying reasons for FARC's designation as a Foreign Terrorist Organization;
- (c) dismissing the Indictment and/or suppressing evidence, or granting an evidentiary hearing, due to outrageous government conduct in the illegal

kidnapping and rendition of Mr. Yousef from Honduras to the United States, in violation of, *inter alia*, the Fifth Amendment's Due Process guarantee, and in contravention of an Extradition Treaty between the U.S. and Honduras regarding respect for sovereignty and human rights; and

(d) suppressing the fruits of the search of the sumasiempre123@yahoo.com email account, on the ground that the search warrant was obtained in violation of the Fourth Amendment.<sup>1</sup>

Dated: May 3, 2011  
New York, NY

Respectfully submitted,

s/Melinda Sarafa

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s/Joshua L. Dratel

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<sup>1</sup> Based upon the representation of the Assistant United States Attorney that the government does not intend to introduce evidence obtained pursuant to other orders authorizing disclosure of information related to the sumasiempre123@yahoo.com email account, this motion is limited to challenging the validity of the January 29, 2009 search warrant. Should the government seek to introduce evidence obtained through the other orders, counsel respectfully seeks leave to file additional motions, as appropriate.

To: THE HON. JOHN F. KEENAN  
UNITED STATES DISTRICT JUDGE  
  
UNITED STATES ATTORNEY  
SOUTHERN DISTRICT OF NEW YORK